



Meeting Date: 11/11/2013
Agenda Item: 2)d. and 5)e.

STAFF REPORT

REPORT FOR: Chairman White and Plan Commissioners

REPORT PREPARER: Jennifer Higgins, Director of Planning & Development

ITEM DESCRIPTION: Recommendation from Director of Planning & Development to approve the report entitled: "Finding of Fact and Recommendation by the Village of Weston Plan Commission" regarding REZN-10-13-1393, a request to rezone from B-P (Business Park) with OPD (Planned Development Overlay) to R-2 (Residential Single Family) Zoning District to allow combining of two parcels to make one residential parcel, on the westerly 85 feet of Lot 5 Valdres Springs Subdivision, and forward to the Board of Trustees for their consideration.

STAFF'S COMMENT: This action item is being presented to the Plan Commission to consider the Director of Planning & Development's recommendation that the following motion be approved: "The Plan Commission approves the *Finding of Fact and Recommendation by the Village of Weston Planning Commission* as its written finding of fact per Sec. 94.219.1 of the zoning code for rezone request REZN-10-13-1393 and forwards this document on to the Village Board for final approvals."

ACTION ITEM: ☐ Ordinance ☐ Resolution ☒ Motion ☐ File

DATE OF REPORT: Tues, November 5, 2013

DATE OF MEETING: Mon, November 11, 2013

FISCAL SUMMARY:

Budget Line Item: _____
Budget Line Item: _____
Budgeted Expenditure: _____
Budgeted Revenue: _____

STATUTORY REFERENCE:

Wisconsin Statue: Chapters 61.35,
62.23
Administrative Code: _____
Municipal Code: Chapter 94
Judicial Ruling: _____

Policy Question / Issue:

Should the Plan Commission make a motion to recommend approval of the proposed rezone request to the Village Board to rezone from B-P (Business Park) with OPD (Planned Development

Overlay) to R-2 (Residential Single Family) Zoning District to allow combining of two parcels to make one residential parcel, on the westerly 85 feet of Lot 5 Valdres Springs Subdivision by approving the Director of Planning & Development's report entitled *Finding of Fact & Recommendation by the Village of Weston Planning Commission?*

Background:

In 2011, the Renaissance Assisted Living Facility approached the Village about expanding their current facility on Barbican Avenue in the Valdres Springs Subdivision. At that time, they had planned to purchase 10 duplex lots from the Jay and Barb Arndt (developers of Valdres Springs Subdivision) and had discussed vacating Valdres Springs Court to allow for them to add on to the existing facility. They successfully petitioned the Village for a comprehensive plan map amendment from future residential to commercial (CMPA-5-11-1189) and a provisional rezone from RTF to BP (REZN-5-11-1190) until the time the PC approves building site and operational plans for the expansion – provisional zoning expires August 15, 2014. At this time they also approved an amendment to the original Rennes Development Group Planned Development. Earlier this year, they petitioned the Village Board to vacate Valdres Springs Court (ROWV-5-13-1335) to proceed with their plans for the building addition to add 50 skilled nursing beds to the existing 34 bed Health & Rehab part of the facility. The facility would then have 80 units of assisted living and 84 beds of skilled nursing (rehab). The Village Board approved Resolution VW-13-07 and the Lis Pendens (Recorded in Marathon County Register of Deeds Document #1649962) on June 3, 2013 to start the street vacation process. A public hearing was held and approved by the Board on the street vacation of Valdres Springs on July 15, 2013. The approval of the street vacation was conditional on all other approvals being received for the Renaissance project and a building permit being issued for the project. The street vacation was officially recorded on October 22, 2013 via document #1660045.

While planning the addition, it was decided by the developers (Rennes Group), that they would like to have some additional green space and a better buffer for the neighborhood to the north, Ridgeview Subdivision, so they approached the current owners (Intercity Bank) of the vacant lots in Ridgeview about purchasing the lots and adding them to Rennes Development Group Planned Development project. None of the building will be built on these lots; they will be used for green space only. The lots in Ridgeview were rezoned in August 2013 from R-2 Single Family Residential, 10,000 sq. ft. minimum lot size to BP with OPD and a comp plan map amendment from future residential to commercial on the comprehensive plan map was also approved at this time. At the hearing, Rennes took out Lot 47 from the rezone/comp plan amendment application and kept it in R-2 as they had no need for the lot and it could still be sold as a residential lot. A Certified Survey Map, [CCSM-10-13-1386](#), was recently submitted for review that created 3 lots out of the old Lot 47, the newly rezoned residential lots, the vacated right of way for Valdres Springs Court and the new ROW dedication for the connection of E. Everest Ave and Tower Ridge Pl. During review of the CSM it was found that they would be adding some of the old Lot 5 of Valdres Springs (zoned BP with OPD) to Lot 47 (zoned R-2) of Ridgeview to create a new Lot 3. This new lot would have dual zoning which is not allowed per code. Therefore, a rezone was requested so that the new residential (R-2 zoned) lot could be created.

Recommendation following Staff Review:

The request was reviewed by staff at an October 28, 2013 Plan Commission staff meeting. No issues with the rezone were brought forth by staff at this meeting. [CCSM-10-13-1386](#) cannot be approved by staff unless the rezone request is approved by the Village Board on 11/18/13.

It is therefore my recommendation, as the Director of Planning & Development, that if no unforeseen issues arise at the public hearing Monday night, the Plan Commission make a motion

to approve my report, *Finding of Fact and Recommendation by the Village of Weston Planning Commission*, included in your packet. I have completed the document to give you a starting point. Please feel free to make any additions and/or subtractions prior to adoption. This document will serve as the Commission's written finding of fact, per Sec. 94.219.1, for rezone request REZN-10-13-1393 and then be forwarded on to the Village Board at their meeting on November 18th along with the ordinance that is needed to be adopted and published prior to making the rezone a permanent change.

Purpose:

The purpose of this recommendation is as follows: to regulate areas in which various land uses may be conducted; regulate the location and operation of economic development areas; regulate the location, bulk, height, and similar features of structures, including the overall population density of the community; establish zoning districts to accomplish these purposes; Regulate the regulations to the character of the neighborhood and its suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

Policy Alternatives:

- 1) Approve the Finding of Fact document with changes/additions as determined by the Plan Commission.
- 2) Defer action on the request until the December 9th PC meeting and refer the request back to staff for additional study/review prior to the November meeting.
- 3) Deny the request.

Future Deliverables:

- 1) Ordinance to approve Rezone Request REZN-10-13-1393 at November 18th Village Board Meeting
- 2) Staff approved CSM – CCSM-10-13-1386

Additional Items:

- 1) *Finding of Fact and Recommendation by the Village of Weston Planning Commission*
- 2) Rezoning Application Materials (REZN-10-13-1393) - Full Rezoning Application submittal is available online at <http://www.westonwi.gov/421/Public-Hearing-Notices>
- 3) Certified Survey Map CCSM-10-13-1386 – can be found online at <http://www.westonwi.gov/431/CSMs-and-Plats>



Application for Rezoning

**FINDING OF FACT & RECOMMENDATION BY THE VILLAGE OF WESTON
PLANNING COMMISSION**

Application/Petition #: **REZN-10-13-1393**

Hearing Date: **November 11, 2013**

Applicant: **Mark Thompson, of MTS Consultants, 2000 Lester Street, Weston, on behalf of property owner, Rennes Development Co., 261 French Street, Peshtigo, WI 54157**

Location: **The westerly 85 feet of Lot 5 Valdres Springs Subdivision or that part of the original lot 5, west of the proposed Outlot 1 in the proposed CSM. This parcel consists of approximately .24 acres. Located in Section 21, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin.**

The Plan Commission of the Village of Weston, having heard the application for rezoning described above, and all opposition from parties claiming to be adversely affected thereby, has considered the request based on the provisions of Wisconsin law and forwards the following findings and recommendation to the Village of Weston Board of Trustees:

1. The request is consistent with the Village of Weston Comprehensive Plan because this parcel is shown as future residential on the Comprehensive Plan Future Land Use Map as the intent at the August Comprehensive Plan amendment hearing was to remove Lot 47 so that it could be used as a residential lot. Adding a portion of Lot 5 to this lot creates a larger residential lot.
2. The request is consistent with the current conditions and character of structures and uses in each zoning district.
3. The request is consistent with the most desirable use for which the land in each district is adapted.
4. The request is consistent with the conservation of property values throughout the jurisdiction.
5. The request is consistent with responsible growth and development.
6. The request is in compliance with the intent and purposes of Chapter 94 as set forth in sections 94.104 and 94.105.
7. The proposed rezone is in the public's best interest, and is not solely for the benefit of the applicant.

Based on the findings described above, the Commission hereby forwards a favorable recommendation to the Village Board. So ordered this 11th day of November, 2013.

Village of Weston Planning Commission

By: _____
Loren White, its Chairman

Attest: _____
Valerie Parker, its Secretary

Sec. 94.104. Intent.

It is the intent of this chapter to carry out the statutory purposes enumerated in Wis. Stats. §§ 61.35 and 62.23(7), including but not limited to:

- (1) Regulate areas in which various land uses may be conducted;
- (2) Regulate the location of community facilities;
- (3) Regulate the location and operation of economic development areas;
- (4) Regulate the location, bulk, height and similar features of structures, including the overall population density of the community;
- (5) Establish zoning districts to accomplish these purposes;
- (6) Regulate land use along natural watercourses to protect such courses;
- (7) Regulate development and natural growth near airport runways;
- (8) Regulate land use for the protection of groundwater resources;
- (9) Provide for the preservation of burial sites;
- (10) Regulate so as to preserve areas with historic or aesthetic value;
- (11) Provide for special planned development districts pursuant to Wis. Stats. §62.23(7)(b).

(Ord. of 11-18-1991)

Sec. 94.105. Purposes in view.

(a) In accordance with Wis. Stats. § 62.23(7)(c), the regulations of this chapter shall be made and administered in accordance with a comprehensive plan as authorized in Wis. Stats. §62.23(3).

(b) In accordance with Wis. Stats. § 62.23(7)(c) and the related areas of the statutes cited in the authority of subsection (a) of this section, the regulations of this chapter are designed to:

- (1) Lessen congestion in the streets.
- (2) Secure safety from fire, panic and other dangers, including flooding and soil erosion.
- (3) Provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems.
- (4) Prevent the overcrowding of land and the destruction of natural resource areas such as wetlands and woodlots.
- (5) Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

- (6) Relate the regulations to the character of the neighborhood and its suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

(Ord. of 11-18-1991)



**VILLAGE OF WESTON
NOTICE OF PUBLIC HEARING
ON APPLICATION FOR REZONE
#REZN-10-13-1393**

NOTICE IS HEREBY GIVEN that on **Monday, November 11, 2013, at 6:00 p.m.**, the Village of Weston Plan Commission will hold a public hearing at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476 to take testimony relative to an application REZN-10-13-1393, having been filed with the Village Clerk by Mark Thompson, of MTS Consultants, 2000 Lester Street, Weston, on behalf of property owner, Rennes Development Co., 261 French Street, Peshtigo, WI 54157, requesting a rezone from B-P (Business Park) with OPD (Planned Development Overlay) to R-2 (Residential Single Family), to allow combining of two parcels to make one residential parcel on lands described as:

The westerly 85 feet of Lot 5 Valdres Springs Subdivision or that part of the original lot 5, west of the proposed Outlot 1 in the proposed CSM. This parcel consists of approximately .24 acres. Located in Section 21, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin.

The hearing notice and applicable application materials are available on the Village of Weston website located at <http://westonwi.gov/421/Public-Hearing-Notices>.

Written testimony may be forwarded to the Village of Weston Plan Commission, Valerie Parker, Plan Commission Secretary, 5500 Schofield Avenue, Weston, WI 54476, or emailed to vparker@westonwi.gov, by noon on the day of the hearing. All interested persons will be given an opportunity to be heard. Any person with questions or planning to attend needing special accommodations in order to participate should call Valerie Parker, Administrative Specialist, Planning and Development Department, at 715-241-2607.

Dated this 22nd day of October, 2013

Sherry L. Weinkauff
Village Clerk

Published as a legal ad in the Wausau Daily Herald on Monday, October 28, 2013, and Monday, November 4, 2013.

Date Filed 10-18-13
Amount Paid Fee waived
Check No. Per Jeth.
Revised 1/1/2012

VILLAGE OF WESTON
MARATHON COUNTY, WI
APPLICATION FOR REZONING



Fees: Total Fee Submitted \$ N/A

☐ Application Fee – \$300

☐ Late Agenda Fee – add additional \$100

☐ Special Meeting Fee – add an additional \$250

REZN-10-13-1343

*****Please note that applicant will also be responsible for all applicable public notice fees and required ordinance publication fees. These fees will be billed following completion of the application process.

One copy of a registered surveyor's plat of survey must accompany application. Applicant will be notified of the date and place of a public hearing.

1. Applicant Mark Thompson Telephone 715-843-7292

Address 2000 LESTER ST WESTON WI 54476

Email address Mark@MTSLLC.NET

2. Owner RENNEZ DEVELOPMENT Co Telephone _____

Address 261 French ST PESHIGO WI 54157

Email address _____

3. Applicant is (Check one): Owner () Agent ☒ Other () _____
(If Applicant is not the owner, provide letter of Authorization from Owner) (Specify)

4. The present Owner acquired legal title to the subject property on 2009
(Date)

5. Location, address and acreage of property: 4504/4506 E. EVEREST AVE
VACANT LOT ON NORTH SIDE OF E. EVEREST CUL-DE-SAC

Approx 0.24 Acres

6. Legal description of subject property: _____

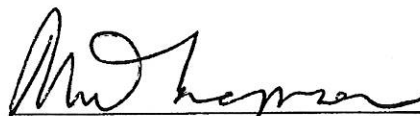
THE WESTERLY 85 FT OF LOT 5 VALMERE SPRINGS SUBDIVISION
OR THAT PART OF THE ORIGINAL LOT 5 WEST OF THE PROPOSED
CUTOUT 1 IN THE PROPOSED RENNEZ CSM

7. Present Zoning: BP w/ OPD
8. Proposed Zoning change: R2
9. Has the present applicant previously sought to rezone the subject site or part of it? Yes
10. When? 2009
11. To what district classification? RTE TO BP w/OPD
12. Existing Use of Property: VACANT
13. Future Land Use Map Designation of Property: RESIDENTIAL
14. Proposed Future Land Use (by Applicant): NONE
15. Is the subject property planned to be improved? NO When? _____
16. What will be the actual use of the improvement? NONE

17. Please provide name and address of where the bill for publication and/or recording fees should be sent:

MTS 2000 LESTON ST WESTON WI 54476

I hereby depose and say that all the above statements and all accompanying statements and drawings are correct and true.



Signature of Applicant

Applicant attendance at this hearing is not mandatory, but is strongly recommended.

Forwarded to the Village Planning Commission

Date of Public Hearing: 11-11-13

Hearing Notice Published on: 10-28-13 and 11-4-13

Cost for Hearing Notice Publication: _____

Recommendation of the Village Planning Commission: _____

NOTE: This is only a recommendation. It requires action by the Village Board to become effective.

Forwarded to the Village Board

Date: _____

Map Amendment: (Adopted / Denied)

Date: _____

Ordinance Publication Date: _____

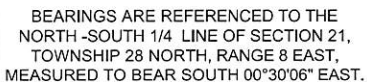
Cost for Ordinance Publication: _____

Applicant billed for Hearing Notice and Ordinance Publications on _____ in the amount of

_____.

Village President

Of Lot 1 - Lot 14 (inclusive) of Valdres Springs, of Lot 40 - 47 (inclusive) of Ridgeway Subdivision and Vacated Valders Springs Court, located in part of the Northeast 1/4 of the Northwest 1/4 and part of the Southeast 1/4 of the Northwest 1/4 of Section 21, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin.



LEGEND	
○	- 1-1/4" O.D. x 24" IRON PIPE WEIGHING 1.68 LBS/LIN. FT. SET
⦿	- FOUND 1" BAR
●	- FOUND 1-1/4" O.D. IRON PIPE
⊗	- FOUND 2-1/2" O.D. IRON PIPE
()	- RECORDED BEARING/LENGTH

DETAIL "A"
(SEE SHEET 2 OF 5)

UNPLATTED LANDS
OWNED BY OTHERS }


E. EVERES
AVENUE

LOT 8
BARBICAN CENTER

LOT 7
BARBICAN CENTER

NORTH

1" = 200'



A horizontal scale bar with alternating black and white segments. It is labeled '0' at the left end and '200' at the right end.

SHEET 1 OF 6

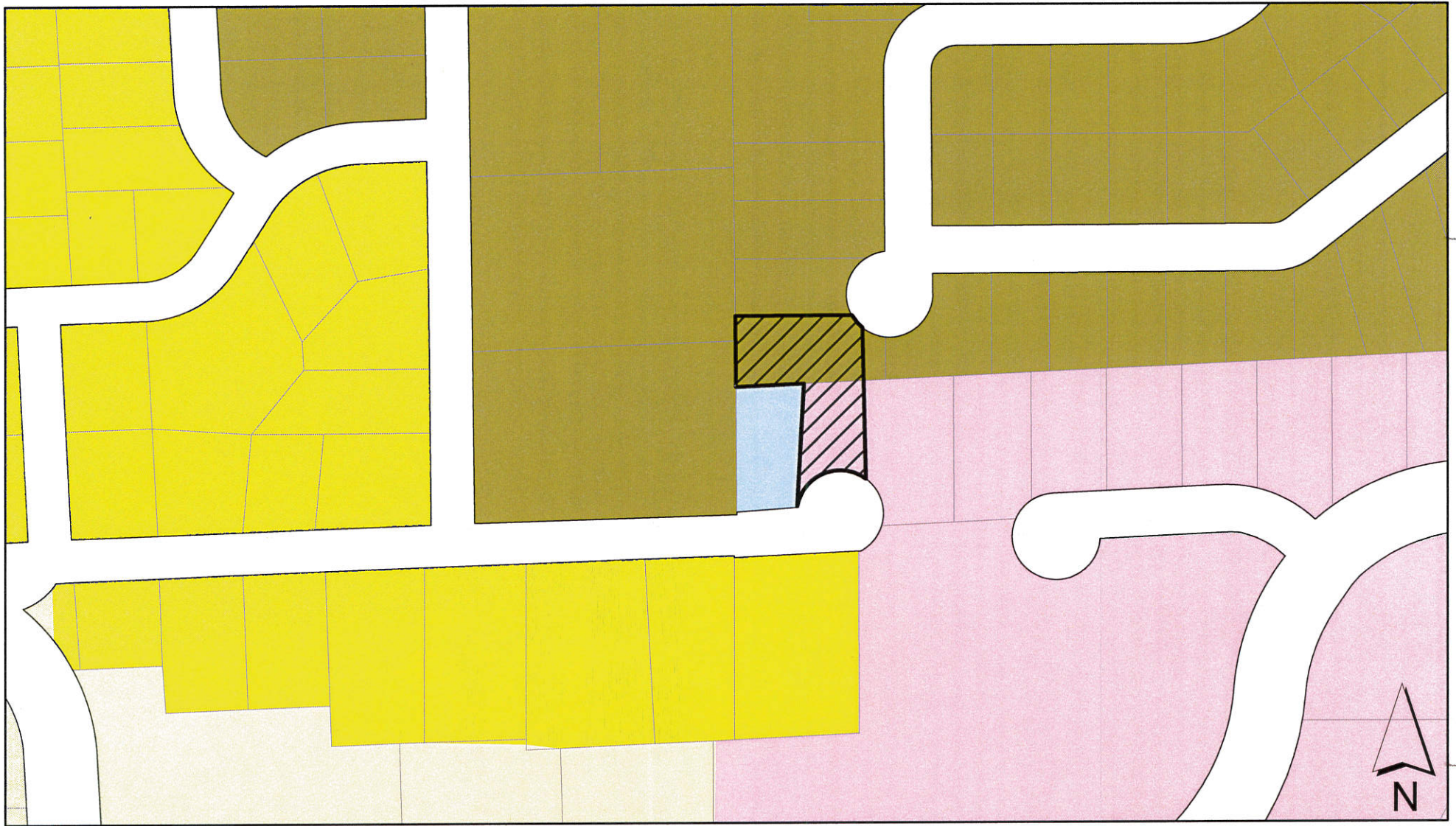


RIVERSIDE LAND SURVEYING LLC
6304 KELLY PLACE WESTON, WI 54476 PH 715-241-7500 • FAX 715-355-6894
EMAIL - MAIL@RIVERSIDELANDSURVEYING.COM








DRAWN BY M.F.L.	DATE AUGUST 26, 2013
CHECKED BY K.J.W.	PROJECT NO. 2075
PREPARED FOR: MTS - RENNES	

Zoning Districts

6408 Tower Ridge Place



Legend: Zoning Districts

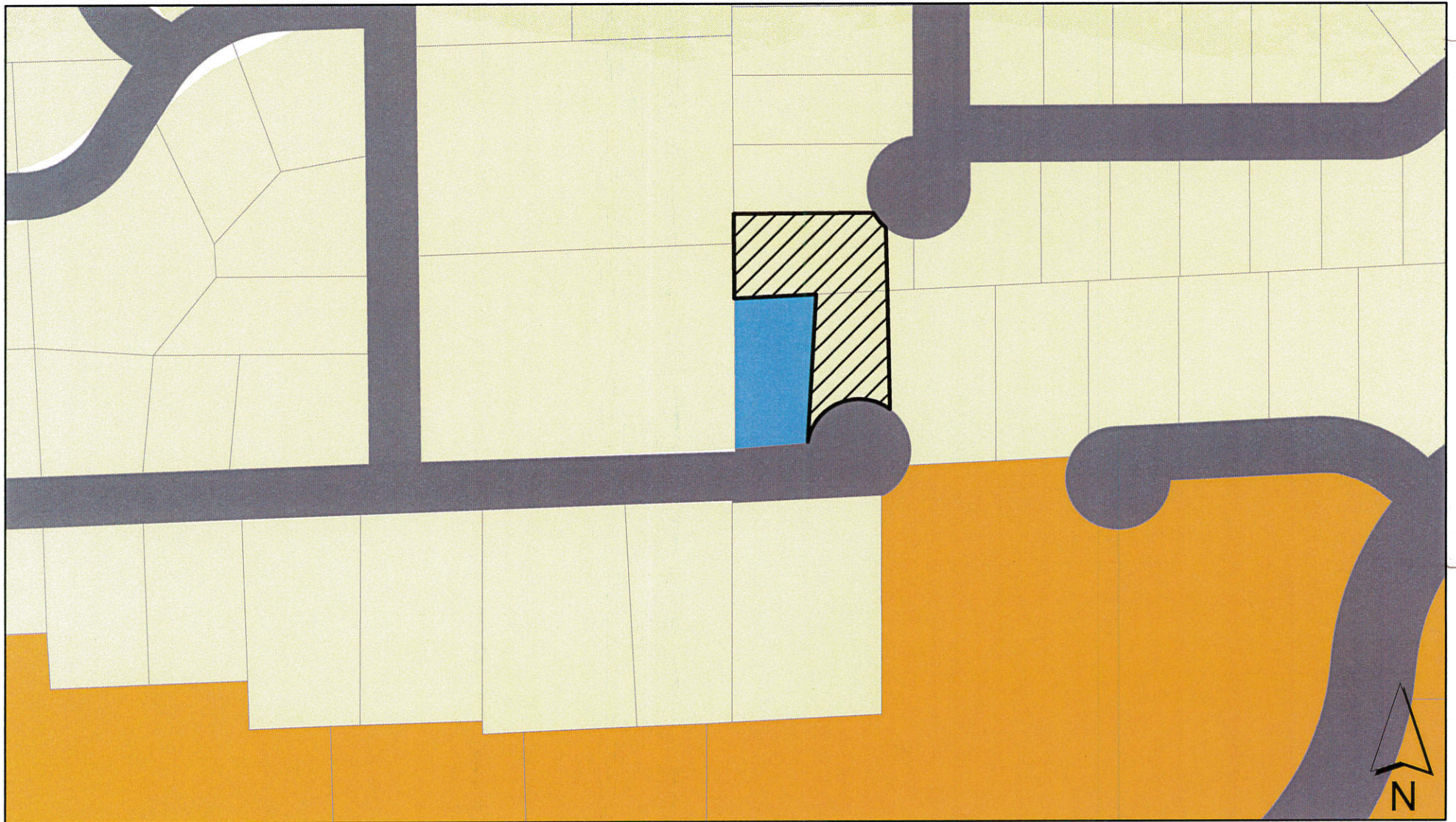
	B-2		R-1
	B-P		R-2
	PUL		ROW
			6408 Tower Ridge Place

0 0.05 0.1 Miles



Future Land Use

6408 Tower Ridge Place



Legend: Future Land Use

AGRICULTURE/FORESTRY	RECREATIONAL
COMMERCIAL	RESIDENTIAL
INDUSTRIAL	TRANSPORTATION
PUBLIC/QUASI-PUBLIC	WATER

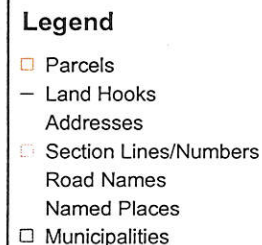
 6408 Tower Ridge Place

0 0.045 0.09 Miles





HALSEY BERN MAIN TEXAS HEWITT
 HOLTON STETSON EASTON
 HULL WIENCASSER ANGLE
 BRIGHTON EMMETT REID
 SPENCER BERGEN BEVENT FRANZEN



DISCLAIMER: The information and depictions herein are for informational purposes and Marathon County-City of Wausau specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Marathon County-City of Wausau will not be responsible for any damages which result from third party use of the information and depictions herein or for use which ignores this warning.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

)
)
RENNES DEVELOPMENT CO
261 FRENCH STREET
PESHTIGO WI 54157

VALDRES SPRINGS LLC
1105 ARNOLD STREET
ROTHSCHILD WI 54474

ROBERT PATRICK STEHLY
4410 E EVEREST AVENUE
WESTON WI 54476

PATRICK & CHERYL KELLY
4415 E EVEREST AVENUE
WESTON WI 54476

JOHN & RUTH HOCHBERGER
6311 KIRK STREET
WESTON WI 54476

INTERCITY STATE BANK
962 GRAND AVENUE
SCHOFIELD WI 54476

Valerie Parker

To: Kelley Wehner - Wausau Daily Herald (kwehner@wdhprint.com)
Cc: Jennifer Higgins (jhiggins@westonwi.gov); Sherry Weinkauff; Jessica Trautman
Subject: Legal Notice to be Published
Attachments: 2013 11-11 Public Hearing Notice to WDH.doc

10/23/13

Hi Kelley,

We would like the attached hearing notice published as a legal notice in the Wausau Daily Herald on the following dates:

Monday, October 28th, and Monday, November 4th.

Please reply to this message letting me know that you received the hearing notice and that it will be published as requested.

Thanks and have a great day,

Valerie Parker
Administrative Specialist
Planning & Development Department
Village of Weston
5500 Schofield Avenue
Weston, WI 54476
PH: (715) 241-2607
FX: (715) 359-6117
vparker@westonwi.gov
www.westonwisconsin.org